

CAZON
YX71
-C55



31761 11890193 3

OFFICE CONSOLIDATION

CODIFICATION ADMINISTRATIVE

Dentistry Act, *1991*

Loi de 1991 sur les dentistes

Statutes of Ontario, 1991
Chapter 24

Lois de l'Ontario de 1991
Chapitre 24

and the following Regulations:

et les règlements suivants :

General (O. Reg. 205/94)

Professional Misconduct (O. Reg. 853/93)

December 16, 2004

16 décembre 2004

©Printed by the Queen's Printer for Ontario

©Imprimé par l'Imprimeur de la Reine pour l'Ontario



ISBN 0-7794-7618-2

NOTICE

This is an office consolidation of the *Dentistry Act, 1991* and the regulations. It is printed by the Queen's Printer for Ontario. Section 24.1 (1) of the *Evidence Act* provides as follows:

A document that purports to be printed by the Queen's Printer for Ontario as an office consolidation of a statute or regulation shall be received in evidence, in the absence of evidence to the contrary, as an accurate consolidation of the statute or regulation as it read on the date indicated on the document.

The legislation in this office consolidation was accurate as of the day of printing. A more current version may be available at www.e-laws.gov.on.ca.

The Regulations in this consolidation were made in English only. No French version is available.

You may purchase copies of this and other Government of Ontario publications and products in person or by telephone, fax, or mail order through **Publications Ontario** at:

880 Bay Street
TORONTO, ONTARIO M7A 1N8
(416) 326-5300
Toll-free 1-800-668-9938
Teletypewriter (TTY) toll-free 1-800-268-7095
Fax (613) 566-2234

In the Ottawa area contact **Access Ontario** at:

161 Elgin Street, Level 2
OTTAWA, ONTARIO K2P 2K1
(613) 238-3630
Toll-free 1-800-268-8758
Teletypewriter (TTY) toll-free 1-800-268-7095
Fax (613) 566-2234

You may also purchase government publications and products through **POOL** (**Publications Ontario On-line**) on the **Internet** at:

www.publications.gov.on.ca

AVIS

La présente codification administrative comprend la *Loi de 1991 sur les dentistes* et ses règlements. Elle est imprimée par l'Imprimeur de la Reine pour l'Ontario. Le paragraphe 24.1 (1) de la *Loi sur la preuve* prévoit ce qui suit :

Le document qui se présente comme ayant été imprimé par l'Imprimeur de la Reine pour l'Ontario à titre de codification administrative d'une loi ou d'un règlement est, en l'absence de preuve contraire, reçu en preuve à titre de codification exacte de la loi ou du règlement, tels qu'ils existaient à la date figurant sur le document.

Le texte législatif qui figure dans la présente codification administrative était à jour à la date d'impression. Il est possible qu'une version plus récente se trouve sur le site www.lois-en-ligne.gouv.on.ca.

Les règlements contenus dans la présente codification n'ont été pris qu'en anglais. Il n'en existe pas de version française.

On peut se procurer des exemplaires du présent document ainsi que d'autres publications et produits du gouvernement de l'Ontario en personne ou par téléphone, télécopie ou commande postale auprès de **Publications Ontario** à l'adresse et aux numéros suivants :

880, rue Bay
TORONTO, ONTARIO M7A 1N8
(416) 326-5300
Numéro sans frais : 1-800-668-9938
Numéro de téleimprimeur (ATS) sans frais : 1-800-268-7095
Numéro de télécopieur : (613) 566-2234

Dans la région d'Ottawa, communiquer avec **Accès Ontario** à l'adresse et aux numéros suivants :

161, rue Elgin, 2^e étage
OTTAWA, ONTARIO K2P 2K1
(613) 238-3630
Numéro sans frais : 1-800-268-8758
Numéro de téleimprimeur (ATS) sans frais : 1-800-268-7095
Numéro de télécopieur : (613) 566-2234

On peut également se procurer les publications et les produits du gouvernement sur **Internet** par le biais de **POD** (**Publications Ontario** en direct) à l'adresse suivante :

www.publications.gov.on.ca

CONTENTS/SOMMAIRE

	Page
Dentistry Act, 1991/Loi de 1991 sur les dentistes	1
Regulations/Règlements	
General (O. Reg. 205/94)	R1.1
Professional Misconduct (O. Reg. 853/93)	R2.1



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761118901933>

Dentistry Act, 1991

S.O. 1991, CHAPTER 24

Amended by: 1998, c. 18, Sched. G, s. 29.

Definitions

1. In this Act,

“College” means the Royal College of Dental Surgeons of Ontario; (“Ordre”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of dentistry; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 24, s. 1.

Health Professions Procedural Code

2. (1) The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 24, s. 2 (1).

Terms in Code

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the Royal College of Dental Surgeons of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of dentistry; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 24, s. 2 (2).

Definitions in Code

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 24, s. 2 (3).

Scope of practice

3. The practice of dentistry is the assessment of the physical condition of the oral-facial complex and the diagnosis, treatment and prevention of any disease, disorder or dysfunction of the oral-facial complex. 1991, c. 24, s. 3.

Authorized acts

4. In the course of engaging in the practice of dentistry, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

Loi de 1991 sur les dentistes

L.O. 1991, CHAPITRE 24

Modifié par l’art. 29 de l’ann. G du chap. 18 de 1998.

Définitions

1. Les définitions qui suivent s’appliquent à la présente loi.

«Code des professions de la santé» Le Code des professions de la santé figurant à l’annexe 2 de la *Loi de 1991 sur les professions de la santé réglementées*. (“Health Professions Procedural Code”)

«la présente loi» S’entend en outre du Code des professions de la santé. (“this Act”)

«membre» Membre de l’Ordre. (“member”)

«Ordre» L’Ordre royal des chirurgiens dentistes de l’Ontario. (“College”)

«profession» La profession de dentiste. (“profession”)

1991, chap. 24, art. 1.

Code des professions de la santé

2. (1) Le Code des professions de la santé est réputé faire partie de la présente loi. 1991, chap. 24, par. 2 (1).

Termes figurant dans le Code

(2) Dans la mesure où le Code des professions de la santé s’applique à la présente loi, les termes suivants qui y figurent s’interprètent comme suit :

«loi sur une profession de la santé» La présente loi. (“health profession Act”)

«ordre» L’Ordre royal des chirurgiens dentistes de l’Ontario. (“College”)

«profession» La profession de dentiste. (“profession”)

«règlements» Les règlements pris en application de la présente loi. (“regulations”)

1991, chap. 24, par. 2 (2).

Définitions du Code

(3) Les définitions qui figurent dans le Code des professions de la santé s’appliquent, avec les adaptations nécessaires, aux termes correspondants figurant dans la présente loi. 1991, chap. 24, par. 2 (3).

Champ d’application

3. L’exercice de la dentisterie consiste dans l’évaluation de l’état physique du complexe oro-facial et dans le diagnostic, le traitement et la prévention des maladies, troubles ou dysfonctions du complexe oro-facial. 1991, chap. 24, art. 3.

Actes autorisés

4. Dans l’exercice de la dentisterie, un membre est autorisé, sous réserve des conditions et restrictions dont est assorti son certificat d’inscription, à accomplir les actes suivants :

1. Communicating a diagnosis identifying a disease or disorder of the oral-facial complex as the cause of a person's symptoms.
2. Performing a procedure on tissue of the oral-facial complex below the dermis, below the surface of a mucous membrane or in or below the surfaces of the teeth, including the scaling of teeth.
3. Harvesting tissue for the purpose of surgery on the oral-facial complex.
4. Setting a fracture of a bone of the oral-facial complex or setting a dislocation of a joint of the oral-facial complex.
5. Administering a substance by injection or inhalation.
6. Applying or ordering the application of a prescribed form of energy.
7. Prescribing or dispensing drugs.
8. Fitting or dispensing a dental prosthesis, or an orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning. 1991, c. 24, s. 4.

College continued

5. The College is continued under the name Royal College of Dental Surgeons of Ontario in English and Ordre royal des chirurgiens dentistes de l'Ontario in French. 1991, c. 24, s. 5.

Council

6. (1) The Council shall be composed of,
 - (a) at least 10 and no more than 12 persons who are members elected in accordance with the by-laws;
 - (b) at least nine and no more than eleven persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
 - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*; and
 - (c) two persons selected, in accordance with a by-law made under section 12.1, from among members who are members of a faculty of dentistry of a university in Ontario. 1991, c. 24, s. 6 (1); 1998, c. 18, Sched. G, s. 29 (1, 2).

Who can vote in elections

(2) Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 24, s. 6 (2); 1998, c. 18, Sched. G, s. 29 (3).

1. Communiquer les diagnostics attribuant les symptômes que présentent des personnes à des maladies ou à des troubles du complexe oro-facial.
2. Pratiquer des interventions sur le tissu du complexe oro-facial sous le derme, sous la surface des muqueuses, ou dans les dents ou sous la surface des dents, y compris le détartrage des dents.
3. Prélever du tissu en vue de pratiquer des interventions chirurgicales au complexe oro-facial.
4. Consolider des fractures du complexe oro-facial ou réduire des luxations articulaires du complexe oro-facial.
5. Administrer des substances par voie d'injection ou d'inhalation.
6. Appliquer des formes d'énergie prescrites ou en ordonner l'application.
7. Prescrire ou préparer des médicaments.
8. Adapter ou préparer des prothèses dentaires, ou des appareils d'orthodontie ou de périodontie ou des dispositifs qui se portent dans la cavité buccale en vue de protéger les dents en cas de fonctionnement anormal de la denture. 1991, chap. 24, art. 4.

Maintien de l'Ordre

5. L'Ordre est maintenu sous le nom d'Ordre royal des chirurgiens dentistes de l'Ontario en français et sous le nom de Royal College of Dental Surgeons of Ontario en anglais. 1991, chap. 24, art. 5.

Conseil

6. (1) Le conseil se compose :
 - a) d'au moins 10 et d'au plus 12 personnes qui sont des membres élus conformément aux règlements administratifs;
 - b) d'au moins neuf et d'au plus onze personnes que nomme le lieutenant-gouverneur en conseil et qui ne sont pas :
 - (i) membres,
 - (ii) membres d'un ordre, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*,
 - (iii) membres d'un conseil, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*;
 - c) de deux personnes choisies, conformément à un règlement administratif adopté en vertu de l'article 12.1, parmi les membres qui font partie du corps professoral de la faculté de dentisterie d'une université ontarienne. 1991, chap. 24, par. 6 (1); 1998, chap. 18, annexe G, par. 29 (1) et (2).

Qui peut voter aux élections

(2) Sous réserve des règlements administratifs, chaque membre qui exerce sa profession ou réside en Ontario et qui a payé sa cotisation annuelle a droit de vote lors d'une élection des membres du conseil. 1991, chap. 24, par. 6 (2); 1998, chap. 18, annexe G, par. 29 (3).

President and Vice-President

7. The Council shall have a President and Vice-President who shall be elected every two years by the Council from among the Council's members. 1991, c. 24, s. 7.

Imposition of duties on the Dental Review Committee

8. The Council may give the Dental Review Committee appointed under the *Health Insurance Act* duties that are not inconsistent with the Committee's duties under that Act. 1991, c. 24, s. 8.

Restricted titles

9. (1) No person other than a member shall use the titles "dentist" or "dental surgeon", a variation or abbreviation or an equivalent in another language. 1991, c. 24, s. 9 (1).

Representations of qualification, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dentist or dental surgeon or in a specialty of dentistry. 1991, c. 24, s. 9 (2).

Definition

(3) In this section,
"abbreviation" includes an abbreviation of a variation. 1991, c. 24, s. 9 (3).

Notice if suggestions referred to Advisory Council

10. (1) The Registrar shall give a notice to each member if the Minister refers, to the Advisory Council as defined in the *Regulated Health Professions Act*, 1991, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council. 1991, c. 24, s. 10 (1).

Requirements re notice

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion. 1991, c. 24, s. 10 (2).

Offence

11. Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence. 1991, c. 24, s. 11.

Regulations

12. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations regulating the dispensing of drugs by members, requiring members to keep prescribed records and to provide to the Minister reports con-

Président et vice-président

7. Le conseil comprend un président et un vice-président qui, tous les deux ans, sont choisis parmi les membres du conseil et élus par ce dernier. 1991, chap. 24, art. 7.

Imposition d'obligations au comité d'étude de la dentisterie

8. Le conseil peut imposer au comité d'étude de la dentisterie, constitué en vertu de la *Loi sur l'assurance-santé*, des obligations qui ne sont pas incompatibles avec les obligations du comité prévues par cette loi. 1991, chap. 24, art. 8.

Titres réservés

9. (1) Nul autre qu'un membre ne doit employer les titres de «dentiste» ou de «chirurgien dentiste», une variante ou une abréviation, ou un équivalent dans une autre langue. 1991, chap. 24, par. 9 (1).

Déclaration de compétence

(2) Nul autre qu'un membre ne doit se présenter comme une personne ayant qualité pour exercer en Ontario la profession de dentiste ou de chirurgien dentiste, ou une spécialité de la dentisterie. 1991, chap. 24, par. 9 (2).

Définition

(3) La définition qui suit s'applique au présent article.
«abréviation» S'entend en outre de l'abréviation d'une variante. 1991, chap. 24, par. 9 (3).

Avis en cas de présentation d'une proposition au Conseil consultatif

10. (1) Le registrateur remet un avis à chaque membre si le ministre soumet au Conseil consultatif, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*, une proposition, selon le cas :

- a) de modification de la présente loi;
- b) de modification d'un règlement pris par le conseil;
- c) de règlement qui soit pris par le conseil. 1991, chap. 24, par. 10 (1).

Exigences relatives à l'avis

(2) L'avis visé au paragraphe (1) énonce la proposition soumise au Conseil consultatif et est donné dans les trente jours qui suivent la réception, par le conseil de l'Ordre, de l'avis de proposition du ministre. 1991, chap. 24, par. 10 (2).

Infraction

11. Quiconque contravient au paragraphe 9 (1) ou (2) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 5 000 \$ pour une première infraction, et d'une amende d'au plus 10 000 \$ pour une infraction subséquente. 1991, chap. 24, art. 11.

Règlements

12. Sous réserve de l'approbation du lieutenant-gouverneur en conseil et après examen par le ministre, le conseil peut, par règlement, réglementer la préparation de médicaments par les membres et exiger d'eux qu'ils tiennent les registres prescrits et qu'ils fournissent au ministre

taining prescribed information respecting the dispensing of drugs. 1998, c. 18, Sched. G, s. 29 (4).

By-laws

12.1 The Council may make by-laws respecting the qualifications, selection and terms of office of Council members who are selected. 1998, c. 18, Sched. G, s. 29 (4).

Transitional

13. A person who, on the day before this Act comes into force, held a licence issued under Part II of the *Health Disciplines Act* shall be deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the licence was subject. 1991, c. 24, s. 13.

Transition before Act in force

14. (1) The transitional Council is the Council of the Royal College of Dental Surgeons of Ontario as it exists from time to time between the 25th day of November, 1991 and the day this Act comes into force. 1991, c. 24, s. 14 (1).

Powers of transitional Council

(2) After the 25th day of November, 1991 but before this Act comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. 1991, c. 24, s. 14 (2).

Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. 1991, c. 24, s. 14 (3).

Powers of Minister

(4) The Minister may,

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Regulated Health Professions Act*, 1991. 1991, c. 24, s. 14 (4).

Transitional Council to comply with Minister's request

(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council

des rapports renfermant les renseignements prescrits concernant la préparation de médicaments. 1998, chap. 18, annexe G, par. 29 (4).

Règlements administratifs

12.1 Le conseil peut, par règlement administratif, traiter des compétences, du choix et du mandat des membres du conseil qui sont choisis. 1998, chap. 18, annexe G, par. 29 (4).

Disposition transitoire

13. Quiconque, le jour précédent l'entrée en vigueur de la présente loi, était titulaire d'un permis délivré en vertu de la partie II de la *Loi sur les sciences de la santé* est réputé titulaire d'un certificat d'inscription délivré en vertu de la présente loi, sous réserve de toute condition ou restriction dont était assorti son permis. 1991, chap. 24, art. 13.

Transition avant l'entrée en vigueur de la Loi

14. (1) Le conseil transitoire est le conseil de l'Ordre royal des chirurgiens dentistes de l'Ontario, tel qu'il existe entre le 25 novembre 1991 et le jour où la présente loi entre en vigueur. 1991, chap. 24, par. 14 (1).

Pouvoirs du conseil transitoire

(2) Après le 25 novembre 1991 mais avant l'entrée en vigueur de la présente loi, le conseil transitoire, ses employés et ses comités peuvent faire tout ce qui est nécessaire ou souhaitable en prévision de l'entrée en vigueur de la présente loi et tout ce que le conseil, ses employés et ses comités pourraient faire en vertu de la présente loi si elle était en vigueur. 1991, chap. 24, par. 14 (2).

Idem

(3) Sans préjudice de la portée générale du paragraphe (2), le conseil transitoire peut nommer un régistrateur, et ce dernier ainsi que les comités du conseil peuvent recevoir et traiter les demandes de délivrance de certificat d'inscription, imposer les droits relatifs aux demandes et délivrer les certificats d'inscription. 1991, chap. 24, par. 14 (3).

Pouvoirs du ministre

(4) Le ministre peut :

- a) exercer un contrôle sur les activités du conseil transitoire et exiger de celui-ci qu'il fournit des rapports et des renseignements;
- b) exiger du conseil transitoire qu'il prenne, modifie ou abroge un règlement aux termes de la présente loi;
- c) exiger du conseil transitoire qu'il fasse tout ce qui est nécessaire ou souhaitable, de l'avis du ministre, pour réaliser l'intention de la présente loi et de la *Loi de 1991 sur les professions de la santé réglementées*. 1991, chap. 24, par. 14 (4).

Obligation du conseil transitoire de satisfaire à l'exigence du ministre

(5) Si le ministre exige du conseil transitoire qu'il prenne l'une ou l'autre mesure prévue au paragraphe (4),

shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. 1991, c. 24, s. 14 (5).

Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. 1991, c. 24, s. 14 (6).

Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do. 1991, c. 24, s. 14 (7).

Expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4). 1991, c. 24, s. 14 (8).

Transition after Act comes into force

15. (1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 6 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 6 (1) or until one year has elapsed, whichever comes first. 1991, c. 24, s. 15 (1).

Terms of members of transitional Council

(2) The term of a member of the transitional Council shall continue for as long as the transitional Council is deemed to be the Council of the College. 1991, c. 24, s. 15 (2).

Vacancies

(3) The Lieutenant Governor in Council may appoint persons to fill vacancies on the transitional Council. 1991, c. 24, s. 15 (3).

16. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1991, c. 24, s. 16.

17. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1991, c. 24, s. 17.

le conseil transitoire doit, dans le délai et de la manière précisés par le ministre, satisfaire à l'exigence et présenter un rapport. 1991, chap. 24, par. 14 (5).

Règlements

(6) Si le ministre exige du conseil transitoire qu'il prenne, modifie ou abroge un règlement en vertu de l'alinéa (4) b) et que le conseil transitoire n'obtempère pas dans les soixante jours, le lieutenant-gouverneur en conseil peut prendre, modifier ou abroger le règlement. 1991, chap. 24, par. 14 (6).

Idem

(7) Le paragraphe (6) n'a pas pour effet d'autoriser le lieutenant-gouverneur en conseil à faire quoi que ce soit que le conseil transitoire n'est pas habilité à faire. 1991, chap. 24, par. 14 (7).

Frais

(8) Le ministre peut rembourser le conseil transitoire des frais engagés pour satisfaire à une exigence prévue au paragraphe (4). 1991, chap. 24, par. 14 (8).

Transition après l'entrée en vigueur de la Loi

15. (1) Après l'entrée en vigueur de la présente loi, le conseil transitoire devient le conseil de l'Ordre s'il est constitué conformément au paragraphe 6 (1). S'il ne l'est pas, il est réputé le conseil de l'Ordre jusqu'à ce qu'un nouveau conseil soit constitué conformément au paragraphe 6 (1) ou jusqu'à ce qu'un an se soit écoulé, selon la première de ces deux éventualités. 1991, chap. 24, par. 15 (1).

Mandat des membres du conseil transitoire

(2) Le mandat des membres du conseil transitoire se poursuit tant que le conseil transitoire est réputé le conseil de l'Ordre. 1991, chap. 24, par. 15 (2).

Vacances

(3) Le lieutenant-gouverneur en conseil peut nommer des personnes pour pourvoir aux sièges vacants au sein du conseil transitoire. 1991, chap. 24, par. 15 (3).

16. OMIS (PRÉVOIT L'ENTRÉE EN VIGUEUR DES DISPOSITIONS DE LA PRÉSENTE LOI). 1991, chap. 24, art. 16.

17. OMIS (ÉDICTE LE TITRE ABRÉGÉ DE LA PRÉSENTE LOI). 1991, chap. 24, art. 17.



Dentistry Act, 1991
Loi de 1991 sur les dentistes

ONTARIO REGULATION 205/94

Amended to O. Reg. 407/04

GENERAL

CONTENTS

	Sections
PART II FUNDING FOR THERAPY AND COUNSELLING	6-8
PART III AMALGAM WASTE DISPOSAL	9
PART IV REGISTRATION	
Interpretation	10
General Requirements and Conditions	11-15
General Certificate	16-17
Specialty Certificate	18-19
Academic Certificate	20
Education Certificate	21
Post-Specialty Training Certificate	22
Graduate Student Certificate	23
Academic Visitor Certificate	24
Instructional Certificate	25
Short Duration	26
Resignations, Suspensions and Reinstatements	27-31

PART I (ss. 1-5) REVOKED: O. Reg. 272/00, s. 1.

**PART II
FUNDING FOR THERAPY AND COUNSELLING**

6. In this Part,

“member” includes a former member. O. Reg. 186/99, s. 1.

7. The Patient Relations Committee shall determine whether a person is eligible for funding under clause 85.7 (4) (a) of the Health Professions Procedural Code or under section 8. O. Reg. 186/99, s. 1.

8. (1) For the purposes of clause 85.7 (4) (b) of the Health Professions Procedural Code, the alternative requirements for a person to be eligible for funding for therapy and counselling are,

(a) that the person must submit to the Patient Relations Committee a completed application form provided by the Committee which shall include the name of the member whose conduct may entitle the person to funding; and

(b) that any of the circumstances described in subsection (2) exist. O. Reg. 186/99, s. 1.

(2) The circumstances in which a person may be eligible for funding are as follows:

1. There is an admission by a member, as part of a statement to or an agreement with the College, that the person, while a patient, was sexually abused by the member.

2. There is a finding by a court that the person, while a patient, was sexually assaulted, within the meaning of the *Criminal Code* (Canada), by a member.

3. There is a finding made by a panel of the Discipline Committee on or after December 31, 1993 that conduct of a sexual nature had occurred between the person and a member before December 31, 1993, while the person was a patient of the member, and that such conduct resulted in a finding of professional misconduct or incompetence against the member.

4. There is an allegation that the person was sexually abused by a member while a patient of the member, which allegation has been referred to a panel of the Discipline Committee for a hearing but the hearing is not held for one of the following reasons:

- i. The member has died or the College believes that the member may have died or that the member cannot be located.
- ii. The member is incapacitated.
- iii. The member's certificate of registration was revoked for misconduct of a sexual nature toward a patient before the allegations in respect of the person were heard by a panel of the Discipline Committee. O. Reg. 186/99, s. 1.

PART III AMALGAM WASTE DISPOSAL

9. (1) The document entitled the "Standard of Practice of the Profession for Amalgam Waste Disposal", as published and amended from time to time by the College, is prescribed as a standard of practice for the profession, for the purpose of reducing the amount of dental amalgam which directly or indirectly enters the sewage system through wastewater from dental offices. O. Reg. 196/03, s. 1.

(2) The College shall ensure that the Standard of Practice and amendments to it are circulated among the members. O. Reg. 196/03, s. 1.

(3) Each member who owns or controls a dental practice in Ontario, whether directly or indirectly, including ownership or control through a health profession corporation or other corporation shall,

- (a) ensure that every dental office maintained by a member in Ontario in which any dental amalgam is placed, repaired or removed has a properly installed dental amalgam device which meets or exceeds the standard entitled "Dental Equipment-Amalgam Separators" made by the International Organization for Standardization;
- (b) ensure that in every dental office maintained by a member in Ontario in which any dental amalgam is placed, repaired or removed, the amalgam waste is properly disposed of; and
- (c) ensure that the Standard of Practice is complied with. O. Reg. 196/03, s. 1.

(4) A member who, in Ontario, places, repairs or removes for a patient any dental amalgam or authorizes the placement, repair or removal for a patient of any dental amalgam, but who does not own or control, either directly or indirectly, the dental practice in which the placement, repair or removal is being performed shall take all reasonable steps to ensure that the requirements of subsection (3) and of the Standard of Practice are being complied with. O. Reg. 196/03, s. 1.

(5) A member shall not, in Ontario, place, repair or remove for any patient any dental amalgam or authorize the placement, repair or removal for a patient of any dental amalgam where the member knows, or reasonably ought to know, that the requirements of subsection (3) and of the Standard of Practice have not been complied with. O. Reg. 196/03, s. 1.

PART IV REGISTRATION

INTERPRETATION

10. In this Part,

"dental internship program" means a non-specialty residency program;

"dental residency program" means a specialty program in oral and maxillofacial surgery, oral pathology, oral medicine or oral medicine and pathology. O. Reg. 407/04, s. 1.

GENERAL REQUIREMENTS AND CONDITIONS

11. (1) A person may apply for a certificate of registration by submitting a completed application for the class of certificate for which the application is made, in a form provided by the College, together with the application fee required by the by-laws of the College. O. Reg. 407/04, s. 1.

(2) A separate application fee is payable for each class of certificate and is non-refundable. O. Reg. 407/04, s. 1.

12. It is a requirement for the issuing of a certificate of registration of any class that the applicant pay the following fees, in addition to the application fee:

1. The registration fee required by the by-laws of the College.
 2. The annual fee, if any, for the year in which the certificate is issued, as required by the by-laws of the College. O. Reg. 407/04, s. 1.
- 13.** (1) The following are the classes of certificates of registration:
1. General.
 2. Specialty.
 3. Academic.

4. Education.
5. Post-Specialty Training.
6. Graduate Student.
7. Academic Visitor.
8. Instructional.
9. Short Duration. O. Reg. 407/04, s. 1.

(2) The holder of a specialty certificate of registration is authorized to practise one of the following specialties, as indicated on the certificate, and subject to any other terms, conditions or limitations:

1. Endodontics.
2. Oral and maxillofacial surgery.
3. Oral medicine.
4. Oral pathology.
5. Oral and maxillofacial radiology.
6. Orthodontics and dentofacial orthopaedics.
7. Paediatric dentistry.
8. Periodontics.
9. Prosthodontics.

10. Public health dentistry. O. Reg. 407/04, s. 1.

14. (1) It is a requirement for the issuing of a certificate of registration of any class that in the opinion of the Registrar or of the Registration Committee, as the case may be, the applicant's past and present conduct afford reasonable grounds for the belief that the applicant,

- (a) is mentally competent and physically able to safely practise dentistry;
- (b) will practise dentistry with decency, integrity and honesty and in accordance with the law;
- (c) has sufficient knowledge, skill and judgment to competently engage in the kind of dental practice authorized by the certificate;
- (d) can communicate effectively; and
- (e) will display an appropriate professional attitude. O. Reg. 407/04, s. 1.

(2) An applicant shall be deemed not to have satisfied the requirements for the issuing of a certificate of registration if the applicant made a false or misleading statement or representation in respect of his or her application. O. Reg. 407/04, s. 1.

15. It is a condition of a certificate of registration of any class that the member provide the College with details of the following that relate to the member and that occur or arise after the member is registered:

1. A finding of guilt in relation to a criminal offence or an offence under the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada).
2. Where the member is registered or licensed to practise dentistry in another jurisdiction, an investigation or proceeding for professional misconduct, incompetence, incapacity or a similar investigation or proceeding.
3. Where the member is registered or licensed to practise dentistry in another jurisdiction, a finding of professional misconduct, incompetence, incapacity or a similar finding. O. Reg. 407/04, s. 1.

GENERAL CERTIFICATE

16. (1) Subject to section 17, the additional requirements for the issuing of a general certificate of registration are the following:

1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
2. The applicant,
 - i. holds a Certificate of the National Dental Examining Board of Canada issued before January 1, 1994,
 - ii. has successfully completed the National Dental Examining Board of Canada examinations leading to a Certificate of the National Dental Examining Board of Canada at a time when those examinations were approved by the College, or

iii. satisfies the Registration Committee that he or she,

A. has possessed a non-restricted status with regard to the general practice of dentistry in the United States of America for a period of more than seven years, and

B. has successfully completed a qualifying examination to test the applicant's knowledge, judgment and clinical competence in general dentistry that was set or approved by the Registration Committee at the time the applicant took it.

3. Since the applicant satisfied the requirement of paragraph 2, there has been no three-year period during which the applicant has not engaged in the practice of dentistry on a continuous and regular basis in Canada or the United States of America.

4. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.

5. The applicant has successfully completed an examination in ethics and jurisprudence set or approved by the College.

6. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.

(2) The requirement of paragraph 2 of subsection (1) is non-exemptible. O. Reg. 407/04, s. 1.

(3) For the purposes of sub subparagraph 2 iii A of subsection (1), a person possesses a "non-restricted status" if he or she holds a licence, permit, certificate or registration in dentistry issued by an authority responsible for the regulation of dentistry in a jurisdiction of the United States of America that is not subject to any restrictions, terms, conditions or limitations,

(a) relating to the person's ability to practise independently;

(b) requiring the person to practise under supervision or direction;

(c) requiring the person to maintain a position or appointment;

(d) requiring the person to practise in a part of the jurisdiction;

(e) restricting the person to a temporary or time-limited status;

(f) imposed by the jurisdiction's dental regulatory authority or any committee or panel of that authority as a result of a disciplinary, registration, fitness to practise or similar proceeding; or

(g) to which the person was made subject by agreement between the person and the dental regulatory authority. O. Reg. 407/04, s. 1.

17. (1) The requirement of paragraph 2 of subsection 16 (1) is not applicable to an applicant for a general certificate of registration who at the time of application possesses a non-restricted status in a province or territory of Canada and who obtained that status before July 1, 2001, if the applicant meets all of the following requirements:

1. The applicant has complied with the continuing competency or quality assurance requirements of the dental regulatory authority in the province or territory in which the applicant possesses the non-restricted status.

2. There is no information to suggest that the applicant would be unable to meet the College's current quality assurance requirements.

3. There is no information to suggest that the applicant does not have sufficient knowledge, skill and judgment to competently engage in the dental practice authorized by the general certificate of registration for which he or she is applying.

4. The applicant's status as a dentist in any other jurisdiction is not encumbered or restricted in any way and the applicant is not the subject of a discipline or fitness to practise order or ongoing investigation or interim order or agreement as a result of a complaint, investigation or proceeding in any other jurisdiction. O. Reg. 407/04, s. 1.

(2) For the purposes of subsection (1), a person possesses a "non-restricted status" if the person holds a licence, permit, certificate or registration in dentistry issued by a provincial or territorial authority responsible for the regulation of dentistry in a province or territory in Canada that is not subject to any restrictions, terms, conditions or limitations,

(a) relating to the person's ability to practise independently;

(b) requiring the person to practise under supervision or direction;

(c) requiring the person to maintain a position or appointment;

(d) requiring the person to practise in a part of the geographical jurisdiction of the province or territory;

(e) restricting the person to a temporary or time-limited status;

- (f) imposed by the provincial or territorial dental regulatory authority or any committee or panel of that authority as a result of a disciplinary, registration, fitness to practise or similar proceeding; or
- (g) to which the person was made subject by agreement between the person and the dental regulatory authority. O. Reg. 407/04, s. 1.

SPECIALTY CERTIFICATE

18. (1) In this section,

“approved diploma or degree program” means a program taken in Canada or the United States of America that was, at the time the applicant commenced the program,

- (a) approved by the Commission on Dental Accreditation of Canada or recognized by the Commission under the terms of a reciprocal agreement, or
- (b) approved by another accreditation body designated by Council. O. Reg. 407/04, s. 1.

(2) Subject to section 19, the additional requirements for the issuing of a specialty certificate of registration are the following:

1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
 2. The applicant,
 - i. holds a Certificate of the National Dental Examining Board of Canada issued before January 1, 1994,
 - ii. has successfully completed the National Dental Examining Board of Canada examinations leading to a Certificate of the National Dental Examining Board of Canada at a time when those examinations were approved by the College, or
 - iii. on the date of making the application, either,
 - A. possesses a non-restricted status that allows the applicant to practise as a dentist in Canada or the United States of America, or
 - B. holds an academic certificate of registration issued by the College.
 3. The applicant has successfully completed a specialty program referred to in subsection (3) for the specialty for which the authorization is sought.
 4. The applicant has successfully completed the National Dental Specialty Examination administered by the Royal College of Dentists of Canada or another specialty examination set or approved by the College.
 5. Since the applicant satisfied the requirement of paragraph 2, there has been no three-year period during which the applicant has not engaged in the practice of dentistry on a continuous and regular basis in Canada or the United States of America.
 6. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
 7. The applicant has successfully completed an examination in ethics and jurisprudence set or approved by the College.
 8. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.
- (3) The applicant shall have satisfied the requirement in paragraph 3 of subsection (2) if the applicant has completed,
- (a) one of the following specialty programs:
 - (i) in the case of endodontics, an approved diploma or degree program in endodontics consisting of a minimum of 22 months of full-time instruction,
 - (ii) in the case of oral and maxillofacial surgery, an approved diploma or degree program in oral and maxillofacial surgery consisting of a minimum of 48 months of full-time instruction,
 - (iii) in the case of oral medicine, an approved diploma or degree program in oral medicine consisting of a minimum of 33 months of full-time instruction,
 - (iv) in the case of oral pathology, an approved diploma or degree program in oral pathology consisting of a minimum of 33 months of full-time instruction,
 - (v) in the case of oral and maxillofacial radiology, an approved diploma or degree program in oral and maxillofacial radiology consisting of a minimum of 22 months of full-time instruction,

- (vi) in the case of orthodontics and dentofacial orthopaedics, an approved diploma or degree program in orthodontics and dentofacial orthopaedics consisting of a minimum of 22 months of full-time instruction;
 - (vii) in the case of paediatric dentistry, an approved diploma or degree program in paediatric dentistry consisting of a minimum of 22 months of full-time instruction;
 - (viii) in the case of periodontics, an approved diploma or degree program in periodontics consisting of a minimum of 22 months of full-time instruction;
 - (ix) in the case of prosthodontics, an approved diploma or degree program in prosthodontics consisting of a minimum of 22 months of full-time instruction;
 - (x) in the case of public health dentistry, an approved diploma or degree program in public health consisting of a minimum of 22 months of full-time instruction;
- (b) a program that the applicant has satisfied the Registration Committee is equivalent to a program listed in clause (a); or
 - (c) a specialty program other than one referred to in clause (a) or (b) if the applicant has established to the satisfaction of the Registration Committee that the applicant has appropriate credentials, including a significant body of scholarly works, to be qualified to teach the specialty at a university or school of dentistry in Ontario. O. Reg. 407/04, s. 1.
- (4) A specialty certificate of registration is subject to the condition that the member may engage in the practice of dentistry only within the specialty to which the certificate relates unless the member holds,
- (a) an academic certificate of registration issued by the College before this section came into force; or
 - (b) a general certificate of registration. O. Reg. 407/04, s. 1.
- (5) The requirements in paragraphs 2, 3 and 4 of subsection (2) are non-exemptible. O. Reg. 407/04, s. 1.
- (6) For the purposes of sub subparagraph 2 iii A of subsection (2), a person possesses a “non-restricted status” if the person holds a licence, permit, certificate or registration in dentistry issued by a provincial or territorial authority responsible for the regulation of dentistry in a province or territory in Canada, or by an authority responsible for the regulation of dentistry in a jurisdiction of the United States of America that is not subject to any restrictions, terms, conditions or limitations,
- (a) relating to the person’s ability to practise independently;
 - (b) requiring the person to practise under supervision or direction;
 - (c) requiring the person to maintain a position or appointment;
 - (d) requiring the person to practise in a part of the geographical jurisdiction of the province, territory or jurisdiction;
 - (e) restricting the person to a temporary or time-limited status;
 - (f) imposed by the dental regulatory authority or any committee or panel of that authority as a result of a disciplinary, registration, fitness to practise or similar proceeding; or
 - (g) to which the person was made subject by agreement between the person and the dental regulatory authority. O. Reg. 407/04, s. 1.
- (7) A restriction that simply limits the person’s practice to his or her dental specialty shall not be interpreted as a restriction, term, condition or limitation referred to in subsection (6). O. Reg. 407/04, s. 1.
- 19.** (1) The requirements of paragraphs 2, 3 and 4 of subsection 18 (2) are not applicable to an applicant for a specialty certificate of registration who at the time the application is submitted possesses a non-restricted specialty status in a province or territory of Canada and who obtained that status before July 1, 2001, if the applicant meets all of the following requirements:
- 1. The applicant has complied with the continuing competency or quality assurance requirements of the dental regulatory authority in the province or territory in which the applicant possesses that non-restricted specialty status.
 - 2. There is no information to suggest that the applicant would be unable to meet the College’s current quality assurance requirements.
 - 3. There is no information to suggest that the applicant does not have sufficient knowledge, skill and judgment to competently engage in the dental practice authorized by the specialty certificate of registration for which he or she is applying.
 - 4. The applicant’s status as a dentist in any other jurisdiction is not encumbered or restricted in any way and the applicant is not the subject of a discipline or fitness to practise order or ongoing investigation or interim order or agreement as a result of a complaint, investigation or proceeding in any other jurisdiction. O. Reg. 407/04, s. 1.
- (2) For the purposes of subsection (1), a person possesses a “non-restricted specialty status” if the person holds a licence, permit, certificate or registration in dentistry issued by a provincial or territorial authority responsible for the regulation of

dentistry in a province or territory in Canada that permits the person to practise his or her dental specialty and to hold himself or herself out as a dental specialist in that province or territory in Canada, and that is not subject to any restrictions, terms, conditions or limitations,

- (a) relating to the person's ability to practise independently;
- (b) requiring the person to practise under supervision or direction;
- (c) requiring the person to maintain a position or appointment;
- (d) requiring the person to practise in a part of the geographical jurisdiction of the province or territory;
- (e) restricting the person to a temporary or time-limited status;
- (f) imposed by the provincial or territorial dental regulatory authority or any committee or panel of that authority as a result of a disciplinary, registration, fitness to practise or similar proceeding; or
- (g) to which the person was made subject by agreement between the person and the dental regulatory authority. O. Reg. 407/04, s. 1.

(3) A restriction that simply limits the person's practice to his or her dental specialty shall not be interpreted as a restriction, term, condition or limitation referred to in subsection (2). O. Reg. 407/04, s. 1.

ACADEMIC CERTIFICATE

20. (1) The additional requirements for the issuing of an academic certificate of registration are the following:

1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
2. The applicant holds a full-time appointment of professorial rank to a faculty or school of dentistry at a university in Ontario.
3. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
4. The applicant has successfully completed an examination in ethics and jurisprudence set or approved by the College.
5. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.

(2) An academic certificate of registration is subject to the following terms, conditions and limitations:

1. The certificate is automatically revoked when the member ceases to hold an appointment of professorial rank to a faculty or school of dentistry at a university in Ontario.
2. The member may engage in the practice of dentistry only in the faculty or school of dentistry or in a hospital or other facility formally associated with that faculty or school.
3. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.

(3) Paragraphs 2 and 3 of subsection (2) do not apply to a holder of an academic certificate issued before this section came into force. O. Reg. 407/04, s. 1.

(4) Paragraph 3 of subsection (2) shall not be interpreted as in any way affecting the ability of the faculty or school of dentistry or hospital or facility formally associated with that faculty or school to charge fees for services which it has provided. O. Reg. 407/04, s. 1.

EDUCATION CERTIFICATE

21. (1) The additional requirements for the issuing of an education certificate of registration are the following:

1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
2. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
3. The applicant,
 - i. has a written offer of admission to a public hospital-based dental internship or dental residency program accredited by the Commission on Dental Accreditation of Canada or by another accreditation body designated by Council, or
 - ii. has a written offer of admission to a dental educational program approved by a faculty or school of dentistry at a university in Ontario, other than one referred to in subparagraph i, and that program is,

- A. accredited either by the Commission on Dental Accreditation of Canada or by another accreditation body designated by Council, or
 - B. approved by the Registration Committee.
4. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.
- (2) An education certificate of registration is subject to the following terms, conditions and limitations:
- 1. The certificate is automatically revoked when the member ceases to hold the internship, residency or position referred to in subparagraph 3 i or ii of subsection (1) or when the program terminates.
 - 2. The certificate for all members other than those who are enrolled in a dental residency program expires 12 months following its issuance unless extended by the Registration Committee.
 - 3. The member may engage in the practice of dentistry only within the scope of the internship or residency program or the position to which the certificate relates.
 - 4. The member may practise only under the direction of,
 - i. a member of the medical or dental staff of the hospital in which the member is an intern or resident, or
 - ii. a member who is also a member of the academic staff of the faculty or school of dentistry that approved the position.
 - 5. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.
- (3) The Registration Committee may extend the duration of an education certificate of registration for up to three additional months on any terms and conditions it considers appropriate, if the Committee is satisfied that there is an appropriate reason for doing so. O. Reg. 407/04, s. 1.
- (4) The requirement of paragraph 3 of subsection (1) is non-exemptible. O. Reg. 407/04, s. 1.
- (5) Paragraph 5 of subsection (2) shall not be interpreted as in any way affecting the ability of the faculty or school of dentistry or hospital or facility formally associated with that faculty or school to charge fees for services which it has provided. O. Reg. 407/04, s. 1.
- POST-SPECIALTY TRAINING CERTIFICATE**
22. (1) In this section, the term “specialty” when used in the word “post-specialty” includes but is not limited to the dental specialties referred to in subsection 13 (2). O. Reg. 407/04, s. 1.
- (2) The additional requirements for the issuing of a post-specialty training certificate of registration are the following:
- 1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
 - 2. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
 - 3. The applicant,
 - i. has successfully completed either an approved diploma or degree program listed in clause 18 (3) (a) or an advanced training program approved by the Registration Committee, or
 - ii. has satisfied the Registration Committee that he or she has successfully completed a specialty program which the Registration Committee determines is equivalent to a program listed in clause 18 (3) (a).
 - 4. The applicant has a written offer of an appointment to a program of post-specialty dental education from a faculty or school of dentistry at a university in Ontario, which program has emphasis on additional clinical training or research or both, to gain further education relevant to that applicant’s specialty.
 - 5. The applicant has provided,
 - i. a detailed summary of the program including a list of all activities within the scope of practice of dentistry which he or she wishes to be authorized to perform, and
 - ii. a letter from a member who belongs to the academic staff of the faculty or school of dentistry responsible for the program confirming the accuracy of the summary referred to in subparagraph i and agreeing to be responsible for the applicant’s program.
 - 6. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.

(3) A post-specialty training certificate of registration is subject to the following terms, conditions and limitations:

1. The member may perform acts in the practice of dentistry only within the scope of the program to which the certificate relates, and,
 - i. in respect of any clinical practice, shall practise under the supervision of a member of the academic staff of the faculty or school of dentistry who is also a member of the College and who holds a specialty certificate of registration in the specialty to which the program relates,
 - ii. in respect of any research or other non-clinical practice, shall perform only those activities specifically permitted by the Registration Committee and only under the direction of the member referred to in subparagraph 5 ii of subsection (2).
2. The member may engage in the practice of dentistry only in the faculty or school of dentistry or in a hospital or other facility formally associated with that faculty or school.
3. Unless specifically authorized by the terms of the certificate, the member shall not teach dental students or supervise or direct any person respecting any activity within the scope of practice of dentistry.
4. The certificate shall have a specified duration equal to the expected length of the program, but not exceeding 12 months, after which the certificate automatically expires unless extended by the Registration Committee.
5. The certificate is automatically revoked if the member ceases to hold the appointment referred to in paragraph 4 of subsection (2) or when the program terminates.
6. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.

(4) The Registration Committee may extend the duration of the post-specialty training certificate of registration for up to three additional months on any terms and conditions it considers appropriate if the Committee is satisfied that there is an appropriate reason for doing so. O. Reg. 407/04, s. 1.

(5) Nothing in paragraph 6 of subsection (3) shall be interpreted as in any way affecting the ability of the faculty or school of dentistry or hospital or other facility formally associated with that faculty or school to charge fees for services which it has provided. O. Reg. 407/04, s. 1.

GRADUATE STUDENT CERTIFICATE

23. (1) The additional requirements for the issuing of a graduate student certificate of registration are the following:

1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
2. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
3. The applicant,
 - i. has been accepted for enrolment as a student in a faculty or school of dentistry at a university in Ontario in a graduate or postgraduate dental program of study accredited by the Commission on Dental Accreditation of Canada or another accreditation body approved by Council, other than a dental internship or dental residency program,
 - ii. has been accepted for enrolment as a student in a faculty or school of dentistry at a university in Ontario in a graduate or postgraduate dental program of study approved by Council, other than a dental internship or dental residency program, or
 - iii. has been accepted for enrolment as a Masters or PhD student in a faculty or school of dentistry at a university in Ontario in a program, other than a dental internship or dental residency program, and has satisfied the Registration Committee that,
 - A. the Masters or PhD program requires the student to perform an act or acts authorized to members, and
 - B. he or she has sufficient clinical training to safely and competently perform the authorized acts associated with the program.
4. In respect of an applicant accepted for enrolment in a program referred to in subparagraph 3 iii, the applicant has provided,
 - i. a detailed summary of the program including a list of all activities within the scope of practice of dentistry which he or she wishes to be able to perform,
 - ii. a letter from a member who belongs to the academic staff of the faculty or school of dentistry confirming the accuracy of the summary referred to in subparagraph i and agreeing to be responsible for the applicant's program, and
 - iii. a written undertaking to the College in a form satisfactory to the Registration Committee in which the applicant,

- A. agrees to perform only those activities within the scope of practice of dentistry that are specifically permitted by the Registration Committee,
 - B. agrees to perform those activities referred to in sub subparagraph A under the supervision of the member referred to in subparagraph ii, and
 - C. agrees to any other terms, conditions and limitations that the Registration Committee considers appropriate to satisfy it that any activity undertaken by the applicant within the scope of practice of dentistry will be performed safely and competently.
5. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.
- (2) A graduate student certificate of registration is subject to the following terms, conditions and limitations:
1. In respect of an applicant,
 - i. who meets the requirements of subparagraph 3 i or ii of subsection (1), the member may engage in the practice of dentistry only as may be required for the program of studies in which he or she is enrolled and only under the supervision of a member of the dental facility or dental school who is also a member of the College,
 - ii. who meets the requirements of subparagraph 3 iii of subsection (1), the member shall perform only those activities within the scope of practice of dentistry that are specifically permitted by the Registration Committee and only under the supervision of the member referred to in subparagraph 4 ii of subsection (1).
 2. The member may engage in the practice of dentistry only in the faculty or school of dentistry or in a hospital or other facility formally associated with that faculty or school.
 3. Unless specifically authorized by the terms of the certificate, the member shall not teach dental students or supervise or direct any person respecting any activity within the scope of practice of dentistry.
 4. The certificate is automatically revoked when the member ceases to be enrolled in the program referred to in paragraph 3 of subsection (1) or when the program terminates.
 5. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.
- (3) The requirement of paragraph 3 of subsection (1) is non-exemptible. O. Reg. 407/04, s. 1.

(4) Paragraph 5 of subsection (2) shall not be interpreted as in any way affecting the ability of the faculty or school of dentistry or hospital or other facility formally associated with that faculty or school to charge fees for services which it has provided. O. Reg. 407/04, s. 1.

ACADEMIC VISITOR CERTIFICATE

24. (1) The additional requirements for the issuing of an academic visitor certificate of registration are the following:
1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
 2. The applicant has satisfied the Registration Committee that he or she has an established scholarly career in dental teaching or dental research at a dental school outside Ontario and a permanent appointment to the academic staff of a university-based dental school primarily for the purpose of teaching or research.
 3. The applicant has an appointment by the Director of a dental school of a university in Ontario or the Dean of a faculty of dentistry of a university in Ontario to provide undergraduate, graduate or postgraduate dental education or dental research or both for a specified period of time that does not exceed 12 months.
 4. The applicant has provided an undertaking to the College in a form acceptable to the Registrar that he or she will meet the dental school's expectation that the applicant will return to the appointment referred to in paragraph 2 upon the expiry of this certificate.
 5. The applicant has not held a certificate of this class during the previous 12 months.
 6. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate. O. Reg. 407/04, s. 1.
- (2) An academic visitor certificate of registration is subject to the following terms, conditions and limitations:
1. The member may engage in the practice of dentistry only in the faculty or school of dentistry to which his or her appointment relates or in a teaching unit formally affiliated with that faculty or school of dentistry and only to the extent required by the teaching or research requirements of that appointment.

2. The certificate automatically expires 12 months from the date of its issuance unless extended by the Registration Committee.
 3. The certificate is automatically revoked,
 - i. if the appointment referred to in paragraph 3 of subsection (1) expires, is withdrawn or otherwise terminates, or
 - ii. if the member ceases to hold the appointment referred to in paragraph 2 of subsection (1).
 4. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.
- (3) The Registration Committee may extend the duration of the academic visitor certificate of registration for up to three additional months on any terms and conditions that it considers appropriate if the Committee is satisfied that there is an appropriate reason for doing so. O. Reg. 407/04, s. 1.
- (4) Paragraph 4 of subsection (2) shall not be interpreted as in any way affecting the ability of the faculty or school of dentistry or teaching unit formally affiliated with that faculty or school of dentistry to charge fees for services which it has provided. O. Reg. 407/04, s. 1.

INSTRUCTIONAL CERTIFICATE

25. (1) The additional requirements for the issuing of an instructional certificate of registration are the following:
 1. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school.
 2. The applicant has a written offer to teach or conduct a course sponsored by a faculty or school of dentistry at a university in Ontario, a public hospital in Ontario, or a body approved by Council to sponsor courses.
 3. The applicant has provided an undertaking to the College in a form satisfactory to the Registrar from a member of the College holding a general, specialty or academic certificate of registration in which the member undertakes to be present while the applicant engages in practice in Ontario and to ensure that any necessary follow up care which may be required by a patient, as a result of the treatment performed during the course by the applicant, is provided. O. Reg. 407/04, s. 1.
- (2) An instructional certificate of registration is subject to the following terms, conditions and limitations:
 1. The member may engage in the practice of dentistry only as may be required to teach or conduct the course for which the certificate was issued.
 2. The certificate may be issued only for courses having a duration of 14 days or less.
 3. The certificate shall specify an expiry date which shall be the day after the day upon which the course referred to in paragraph 1 is scheduled to end.
 4. The certificate automatically expires when the course for which it was issued ends.
 5. The member may not charge a fee to a patient for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.

SHORT DURATION

26. (1) The additional requirements for a short duration certificate of registration are the following:
 1. The applicant is registered or licensed to practise independently and without restriction or condition as a dentist in Canada or the United States of America.
 2. The applicant is registered to take a course sponsored by a faculty or school of dentistry of a university in Ontario, a public hospital in Ontario, or a body approved by Council to sponsor courses.
 3. The applicant has provided a written undertaking to the College in a form satisfactory to the Registrar from a member of the College who holds a general, academic or specialty certificate of registration agreeing to ensure that any necessary follow up care which may be required by a patient, as a result of the treatment performed during the course by the applicant, is provided. O. Reg. 407/04, s. 1.
- (2) A short duration certificate of registration is subject to the following terms, conditions and limitations:
 1. The member may engage in the practice of dentistry only as required for the course for which the certificate was issued.
 2. The member may engage in the practice of dentistry only under the direct supervision of a member who holds a general, specialty or instructional certificate of registration.
 3. The certificate may be issued only for courses having a duration of 14 days or less.

4. The certificate shall specify an expiry date which shall be the day after the day upon which the course referred to in paragraph 1 is scheduled to end.
5. The certificate automatically expires when the course for which it was issued ends.
6. The member may not charge a fee for the performance of any act within the scope of practice of dentistry. O. Reg. 407/04, s. 1.

RESIGNATIONS, SUSPENSIONS AND REINSTATEMENTS

27. (1) If the Registrar suspended a member's certificate of registration for failure to pay a fee that is required by the by-laws of the College or that was previously prescribed by regulation, the Registrar may lift the suspension if the member applies within two years of the suspension and pays all fees required by the by-laws. O. Reg. 407/04, s. 1.

(2) If a suspension under subsection (1) continues for two years, the certificate of registration is automatically revoked. O. Reg. 407/04, s. 1.

(3) A member whose certificate was revoked under subsection (2) may apply for reinstatement. O. Reg. 407/04, s. 1.

28. (1) A member may resign by giving notice in writing to the College. O. Reg. 407/04, s. 1.

(2) A notice under subsection (1) is effective on the date the notice is received by the College or the date specified in the notice, whichever is later. O. Reg. 407/04, s. 1.

(3) A member who resigned may apply for reinstatement. O. Reg. 407/04, s. 1.

29. Where a former member's certificate of registration is ordered to be reinstated by a panel of the Discipline or Fitness to Practise Committee, the Registrar shall reinstate the member's certificate of registration upon receipt of the annual fee for the year in which the former member is to be reinstated, if not previously paid, and any other fees required by the by-laws of the College. O. Reg. 407/04, s. 1.

30. (1) A former member whose general, specialty or academic certificate of registration was revoked under subsection 27 (2) or was suspended for failure to pay a fee under section 24 of the Health Professions Procedural Code or who resigned as a member may apply for reinstatement of his or her general, specialty or academic certificate of registration by completing an application form supplied by the Registrar. O. Reg. 407/04, s. 1.

(2) The Registrar may reinstate the certificate of registration of a former member who applies under subsection (1) if all of the following conditions have been met:

1. The applicant pays the fees required by subsection (5).
2. The applicant is not a person who is ineligible for reinstatement as a result of subsection (6).
3. The application for reinstatement was made within two years of the date of the suspension or resignation. O. Reg. 407/04, s. 1.

(3) Where the Registrar refuses to reinstate a former member who applies under subsection (1), the application shall be referred by the Registrar to the Registration Committee. O. Reg. 407/04, s. 1.

(4) The Registration Committee may reinstate the certificate of registration of a former member whose application has been referred under subsection (3) if all of the following conditions have been met:

1. The applicant pays the fees required by subsection (5).
2. The applicant is not a person who is ineligible for reinstatement as a result of subsection (6). O. Reg. 407/04, s. 1.

(5) A former member whose certificate of registration is to be reinstated under subsection (2) or subsection (4) shall pay,

(a) the fees required by the by-laws of the College;

(b) the annual fee for the year in which the certificate of registration is reinstated, if not previously paid;

(c) the annual fee for the year in which the certificate of registration was suspended or the year in which the former member resigned, if not already paid, unless the Registration Committee is satisfied that the member did not engage in the practice of dentistry in Ontario during that year; and

(d) any money owed to the College at the time the applicant ceased to be a member of the College or that became due and owing at any time thereafter including, without being limited to, costs or expenses ordered to be paid by a panel of the discipline committee, costs awarded by a Court, and money owed to the College under a regulation or by-law or an order or decision of a statutory committee or a panel of a statutory committee. O. Reg. 407/04, s. 1.

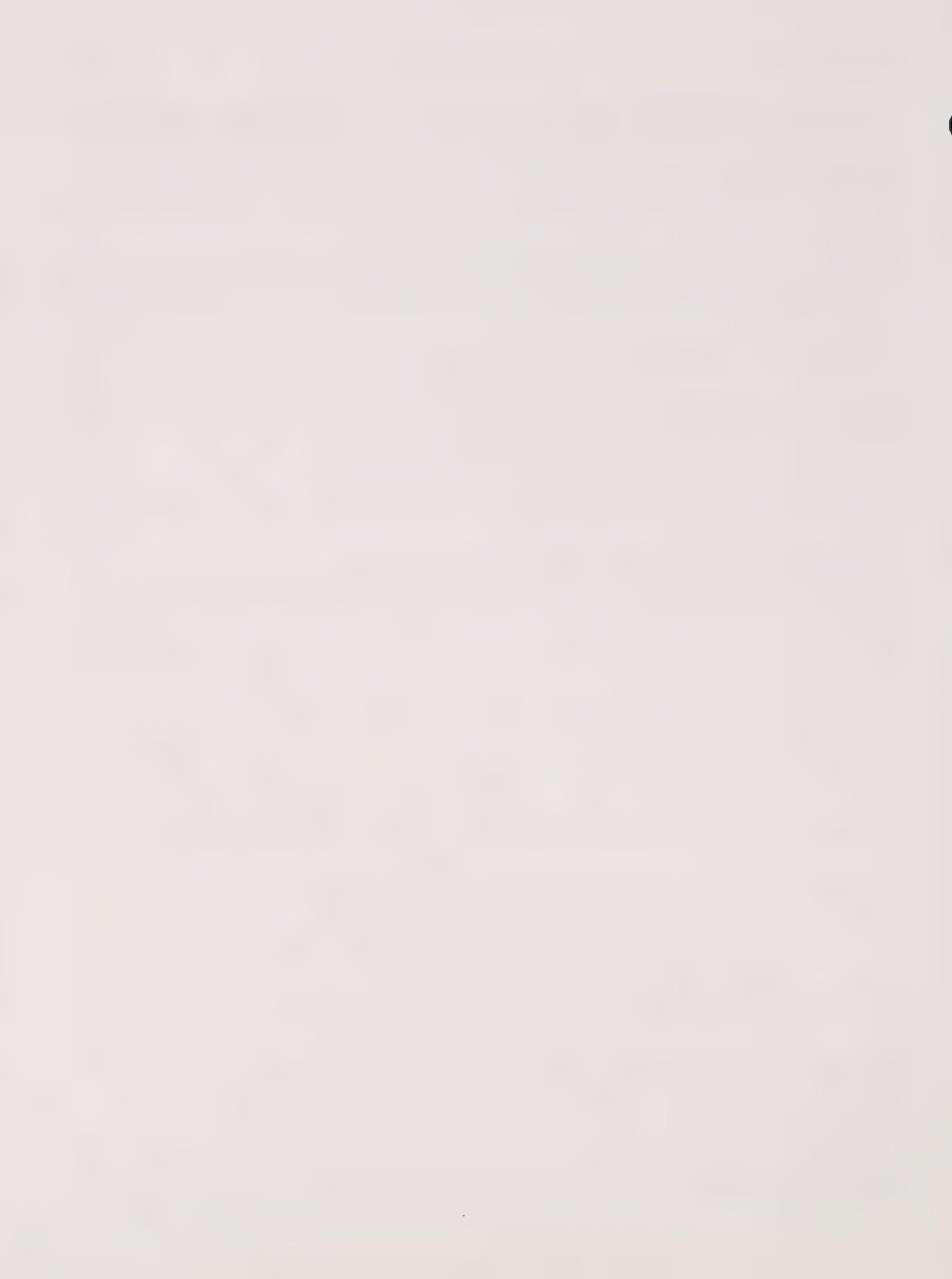
(6) A person is ineligible for reinstatement if, during the period from immediately prior to when he or she ceased to be a member up to and including the date of receipt of the application for reinstatement, he or she,

(a) was the subject of a proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction either in relation to the dental profession or another health profession, other than a proceeding which was completed based upon its merits;

- (b) was the subject of an inquiry or investigation by the Registrar, a committee, a panel of a committee or board of inquiry of the College, which was not completed on its merits or which resulted in the resignation of the member;
- (c) was the subject of an outstanding order of a committee, a panel of a committee or a board of inquiry of the College;
- (d) was in breach of an order of a committee, a panel of a committee or a board of inquiry of the College;
- (e) failed to comply with a decision of a panel of the Complaint's Committee including a decision requiring the member to attend to be cautioned;
- (f) failed to comply with a written agreement with the College or any undertaking provided to the College;
- (g) had terms, conditions or limitations on her or his certificate of registration other than those terms, conditions or limitations which are generally applicable to all members of the particular class of certificate of registration which the applicant previously held; or
- (h) was previously refused reinstatement by the Registration Committee either under this Regulation or any predecessor regulation. O. Reg. 407/04, s. 1.

31. (1) Section 30 shall not be interpreted as prohibiting a former member who resigned or whose certificate of registration was suspended, cancelled or revoked for non-payment of a fee from making application for a certificate of registration under the Health Professions Procedural Code. O. Reg. 407/04, s. 1.

(2) An application referred to in subsection (1) shall be treated as an initial application for registration. O. Reg. 407/04, s. 1.



Dentistry Act, 1991
Loi de 1991 sur les dentistes

ONTARIO REGULATION 853/93

Amended to O. Reg. 220/94

PROFESSIONAL MISCONDUCT

1. In this Regulation,

“agreement” means an agreement to provide dental services for a patient on a basis other than fee for service or where the responsibility for payment is with a person other than the patient or the patient’s guardian;

“associated member” means a member who engages or engaged in the practice of dentistry as an employee of a principal member or who provides dental services to a principal member’s patients at that member’s office as an independent contractor;

“practice name” means a name other than the name of a member who practises at the location to which the name applies;

“principal member” means,

- (a) a member with whom an associated member practises or practised as an employee or independent contractor, or
- (b) a member with whom a member engages or engaged in the practice of dentistry as a partner. O. Reg. 853/93, s. 1.

2. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

1. Contravening a standard of practice or failing to maintain the standards of practice of the profession.
2. Contravening a term, condition or limitation imposed on the member’s certificate of registration.
3. Delegating an act set out in section 4 of the Act except as permitted by the regulations.
4. Ordering a person to perform an intra-oral procedure or delegating or assigning such a procedure to a person without first ensuring that the person is qualified to perform the procedure safely and competently.
5. Treating or attempting to treat a disease, disorder or dysfunction of the oral-facial complex that the member knows or ought to know is beyond his or her expertise or competence.
6. Recommending or providing an unnecessary dental service.
7. Treating a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
8. Abusing a patient.
9. Practising the profession while the member’s ability to do so is impaired by any substance.
10. Prescribing, dispensing or selling a drug for an improper purpose, or otherwise using improperly the authority to prescribe, dispense or sell drugs.
11. Contravening the standards of practice, as published by the College, in relation to inducing general anaesthesia or conscious sedation.
12. Making a misrepresentation about a remedy, treatment, device or procedure or failing to reveal the exact nature of a remedy, treatment, device or procedure following a patient’s request to do so.
13. Making a representation about a remedy, treatment, device or procedure for which there is no generally accepted scientific or empirical basis.
14. Where the member has entered into an agreement to provide dental services, failing to provide the services, without reasonable cause, unless,
 - i. the period specified in the agreement has expired, or
 - ii. the patient is given five business days notice of the member’s intention to discontinue the dental services.
15. Failing, without reasonable cause, to satisfy the terms of an agreement or any arrangement with a patient respecting the provision of dental services.
16. Discontinuing, without reasonable cause, dental services that are needed, other than services provided under agreement, unless,

- i. the patient requests the discontinuation,
 - ii. alternative services are arranged, or
 - iii. the patient is given a reasonable opportunity to arrange alternative services.
17. Giving information about a patient to a person other than the patient or his or her authorized representative except with the consent of the patient or his or her authorized representative or as required or allowed by law.
 18. Failing to make arrangements for emergency dental services for the member's patients or to advise a patient how to obtain emergency dental services.
 19. Failing to take reasonable steps to prevent an associated member or partner from committing or repeating an act of professional misconduct or incompetence in the principal member's or partner's office.
 20. Failing to comply with section 3 relating to an agreement with a patient.
 21. Failing to comply with section 4 respecting payment in advance for treatment provided on a fee for service basis.
 22. Failing to provide a statement of account to a patient upon the completion of a dental service or failing to state in the statement of account the service provided and the fee charged for it.
 23. Failing to itemize or explain, when requested to do so by a patient or the patient's guardian or authorized representative, the services provided and the fee charged for each service using terminology understandable to a patient.
 24. Failing to itemize in a statement of account that includes a commercial laboratory fee, the portion of the fee relating to the actual costs associated with the use of the commercial laboratory.
 25. Failing to keep records as required by the regulations.
 26. Falsifying a record relating to the member's practice.
 27. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to a patient or his or her authorized representative after the patient or his or her authorized representative has requested such a report or certificate.
 28. Signing or issuing a certificate, report or similar document that the member knows or ought to know contains a false, misleading or improper statement.
 29. Failing, without reasonable cause, to provide within a reasonable time, access to a patient record or radiograph or a copy of a patient record or radiograph upon the request of a patient or his or her authorized representative.
 30. Failing to make arrangements with a patient for transfer of the patient record or a copy thereof when,
 - i. the member retires from practice, or
 - ii. the patient requests the transfer.
 31. Charging a fee that is excessive or unreasonable in relation to the service performed.
 32. Charging a fee or an amount under an agreement that is excessive or unreasonable having regard to the services covered by the agreement.
 33. Submitting an account or charge for dental services that the member knows or ought to know is false or misleading.
 34. Accepting an amount in full payment of an account or charge that is less than the full amount of the account or charge submitted by the member to a third party payer, unless the member has made reasonable efforts to collect the balance from the patient or has the written consent of the third party payer.
 35. Charging a laboratory fee for a dental appliance or device that is more than the commercial laboratory cost actually incurred by the member.
 36. Selling, assigning, pledging or encumbering any debt owed to the member for professional services rendered to a patient where the security interest would permit the holder to enforce collection of money owed by a patient or to contact the member's patients to attempt to collect these money.
 37. Accepting a credit card to obtain payment for a dental service unless the provider of the credit card agrees to rely solely on the provider's agreement with the credit card holder or on the credit card sales slip, and not on the member's patient records, to enforce payment.
 38. Engaging in the practice of dentistry where the member has a conflict of interest in contravention of section 5.
 39. Failing to comply with section 6 on the break up of a relationship between a principal and associate or the dissolution of a practice or partnership.

40. Using a name other than the member's name as set out in the register or the practice name, in the course of providing or offering to provide dental services.
41. Using a designation other than "dentist", "dental surgeon", a prescribed specialty designation, the member's earned university degrees or earned equivalents for which the Council or the Executive Committee thereof has given its prior written approval, "dental centre", "dental clinic" or "and associates" in the course of providing or offering to provide dental services.
42. Where a principal member uses the designation "dental centre", "dental clinic" or "and associates", failing to notify the College in writing of the names and certificate numbers of all the members who practise at the location to which the designation applies and the names of all of such members who are principal members, or failing to notify the College in writing of any change in members or principal members within thirty days of the change.
43. Failing to comply with section 7 respecting the use of a practice name.
44. Using in any way with respect to a member's practice, the name of another member whose practice the member acquired, after a period of one year from the date of the acquisition of the practice.
45. Using a term, title or designation indicating specialization in dentistry in contravention of section 8 or 9.
46. Using or permitting the use of the designation "dental emergency service" or any other designation indicative of the provision of emergency dental care except where,
 - i. the service,
 - A. is performed at a location where a member is present and available to render emergency care for not less than sixteen hours each and every day, and
 - B. has a member available to render emergency dental service for the remaining eight hours in each and every day to attend immediately at the location to which the designation refers or at another location within eight kilometres, or
 - ii. the service is operated under the sponsorship of a component society of the Ontario Dental Association and is clearly portrayed as such to the public.
47. Contacting or communicating with, or causing or permitting any person to contact or communicate with, potential patients, either in person or by telephone, for the purpose of soliciting patients.

MISCELLANEOUS

48. Contravening a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
49. Influencing a patient to change his or her will or other testamentary instrument.
50. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a public hospital within the meaning of the *Public Hospitals Act*, relevant to the provision of dental care to the public.
51. Failing to co-operate with a representative of another College on production of an appointment under section 76 of the Code or to provide access to or provide copies of a record, document, or thing that may be reasonably required for the purposes of an investigation.
52. Failing to comply with an order of a panel of the Discipline Committee or an order of a panel of the Fitness to Practise Committee.
53. Failing to comply with an order of a panel of the Complaints Committee requiring the member to appear before a panel of the Committee to be cautioned.
54. Failing to abide by a written undertaking given by the member to the College or to carry out an arrangement entered into with the College.
55. Failing to pay a fee or amount owed to the College after reasonable notice of payment due has been given to the member.
56. Directly or indirectly benefiting from the practice of dentistry while the member's certificate of registration is suspended unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
57. Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate.
58. Failing to reply appropriately or within a reasonable time to a written enquiry made by the College.
59. Engaging in conduct or performing an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, unprofessional or unethical.

60. Publishing, displaying, distributing, or using or causing or permitting, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to a member's practice, which,
- i. as a result of its content or method or frequency of dissemination, may be reasonably regarded by members as likely to demean the integrity or dignity of the profession or bring the profession into disrepute,
 - ii. includes information that,
 - A. is false, misleading, fraudulent, deceptive, ambiguous or confusing or likely to mislead or deceive the public because, in context, it makes only partial disclosure of relevant facts,
 - B. is not relevant to the public's ability to make an informed choice, or
 - C. is not verifiable by facts or can only be verified by a person's personal feelings, beliefs, opinions or interpretations,
 - iii. makes comparisons with another practice or member or would be reasonably regarded as suggestive of uniqueness or superiority over another practice or member, or
 - iv. is likely to create expectations of favourable results or to appeal to the public's fears.

61. Publishing, displaying, distributing, or using or causing or permitting, directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to a member's practice, which makes reference to any area of practice, dental procedure or treatment unless the advertisement, announcement or information discloses whether the member is a specialist or a general practitioner and, if a specialist, in what particular specialty.
O. Reg. 853/93, s. 2; O. Reg. 220/94, s. 1.

3. An agreement with a patient shall,

- (a) be in writing;
- (b) be maintained in or available as part of the patient record;
- (c) identify the person or persons entitled to dental services under it and the dental services they are entitled to;
- (d) specify particulars of all payments to be made under it including who is responsible for making the payments;
- (e) state the period of time it will be in force; and
- (f) specify the obligations of the parties in the event that the member is unable to provide the services covered by the agreement, including the obligation to make further payments and the application of payments previously made.
O. Reg. 853/93, s. 3.

4. Where the member agrees to provide a course of dental treatment on a fee for service basis and accepts payment in advance of completion of the course of treatment, the member shall,

- (a) provide the patient with full particulars of all payments to be made for the course of treatment;
- (b) ensure that the agreement with the patient specifies the obligations of the member and the patient in the event that the member is unable to complete the course of treatment, including the obligation to make further payments and the application of payments previously made; and
- (c) record the information specified in clauses (a) and (b) in the patient record.
O. Reg. 853/93, s. 4.

5. (1) In this section,

"community health centre" means a corporation incorporated without share capital under the *Corporations Act*, that satisfies the following conditions:

1. The corporation has objects, charitable in nature, permitting the development and maintenance of a community health centre to provide health and dental services.
2. The corporation's letters patent provide that the corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the corporation shall be used in promoting its objects.
3. The corporation operates a community health centre that provides health services under an arrangement with the Minister of Health under which the corporation receives funding;

"related corporation" means a corporation wholly or substantially owned or controlled by the member or a related person of the member;

"related person" means any person connected with the member by blood relationship, marriage, common-law or adoption, and,

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other,

- (b) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other;
- (c) persons are connected by common-law if the persons have for a period of not less than three years cohabited in a relationship of some permanence, and
- (d) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is connected by blood relationship, except as a brother or sister, to the other. O. Reg. 853/93, s. 5 (1).

(2) A member shall not engage in the practice of dentistry where the member has a conflict of interest. O. Reg. 853/93, s. 5 (2).

(3) A member has a conflict of interest where the member or a related person or a related corporation has an arrangement or relationship with a person where a reasonable person could conclude that the exercise of the member's professional expertise or judgment is or may be influenced by the member's personal financial interest. O. Reg. 853/93, s. 5 (3).

(4) Without limiting the generality of subsections (2) and (3), a member has a conflict of interest where the member or a related person or a related corporation, directly or indirectly,

- (a) enters into any arrangement respecting a lease or use of premises or equipment, under which any amount payable by or to a member or a related person or related corporation is related to the amount of fees charged by the member;
- (b) accepts a rebate, credit or other benefit by reason of the member referring a patient to any other person;
- (c) offers, makes or confers a rebate, credit or other benefit to a person by reason of the referral of a patient to the member;
- (d) offers, makes or confers a rebate, credit or other benefit to a patient other than,
 - (i) an adjustment in the fee or amount that would otherwise be charged by the member with regard to that patient, or
 - (ii) the provision to a patient, at no charge, of drugs, dental appliances, dental materials, dental equipment or supplies of a nominal value to be used in maintaining or promoting well-being or oral health;
- (e) accepts, makes or confers a rebate, credit or other benefit in respect of drugs and dental appliances, including those intended to be dispensed to patients;
- (f) sells or supplies a drug to a patient at a profit;
- (g) enters into an agreement or arrangement or causes another member to enter into an agreement or arrangement that prevents or would reasonably be regarded as having the effect of preventing the member from properly exercising his or her professional judgment and skill in respect of the treatment or referral of a patient;
- (h) engages in any form of fee or income sharing with any person other than,
 - (i) an associated member or a member who is the member's partner,
 - (ii) a member of the College of Dental Hygienists of Ontario who engages in the practice of dental hygiene within the member's dental practice; or
- (i) engages in the practice of dentistry by employment, association, partnership or otherwise with any person or corporation other than,
 - (i) a member who is engaged in the practice of dentistry, or
 - (ii) as an employee or agent of a municipal or other government, an agency of a municipal or other government, a community health centre, university or hospital, provided that the municipal or other government, agency of the municipal or other government, community health centre, university or hospital takes all reasonable steps including co-operating with the College to ensure that the practice of dentistry engaged in by its employees or agent complies with the Act, the *Regulated Health Professions Act, 1991* and the regulations under those Acts. O. Reg. 853/93, s. 5 (4).

(5) It is not a conflict of interest if the member discloses his or her financial interest to the patient in advance of providing the service that gives rise to the conflict and the member maintains the standards of practice of the profession relating to the service. O. Reg. 853/93, s. 5 (5).

6. When an associated member and a principal member cease to engage in practice with each other or when a partnership of principal members dissolves,

- (a) a principal member shall provide to any patient who requests it the business address and telephone number of the associated member or partner, provided the principal member has or could reasonably obtain the information;
- (b) an associated member shall provide to any patient who requests it the business address and telephone number of the principal member, provided the associated member has or could reasonably obtain the information; and

(c) except as otherwise agreed in writing, an associated member or partner shall not solicit or cause or permit the solicitation of the principal member's patients. This does not include sending an announcement announcing the commencement or change in location of the associated member's or partner's practice to patients treated by the associated member or partner, provided that the announcement contains only information that is reasonably necessary to enable a patient to determine the location and nature of the practice of the associated member or partner. O. Reg. 853/93, s. 6.

7. If the member practises under a practice name, he or she shall,

- (a) notify the College in writing of the name of every member who engages in practice under the practice name and whether as a principal member or an associated member;
- (b) use a practice name that is reasonably referable to and describes the location of the practice or that has been approved by the Executive Committee; and
- (c) notify the College in writing of any change in the members who practise under the practice name within thirty days of the change. O. Reg. 853/93, s. 7.

8. (1) A member shall not use a term, title or designation indicating specialization in dentistry or representing to the public that the member is a specialist or is specially qualified in a branch of dentistry or restricts his or her practice to a branch of dentistry, unless the member holds a specialty certificate authorizing practice in the appropriate specialty. O. Reg. 853/93, s. 8 (1).

(2) This does not prevent a member who does not hold a specialty certificate from representing that he or she limits his or her practice to a branch of dentistry if the member clearly indicates at the same time that the member is a general practitioner. O. Reg. 853/93, s. 8 (2).

9. (1) A member shall not use a term, title or designation indicating specialization in any aspect or branch of dentistry other than those branches of dentistry set out in Column 2 of the Table. O. Reg. 853/93, s. 9 (1).

(2) A member who holds a specialty certificate authorizing practice in the branch of dentistry set out in Column 2 of the Table shall not use a title indicating specialization other than the corresponding title referred to in Column 1 of the Table. O. Reg. 853/93, s. 9 (2).

10. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 853/93, s. 10.

TABLE

Column 1	Column 2
Title	Branch of Dentistry
endodontist	endodontics
oral and maxillofacial surgeon	oral and maxillofacial surgery
oral pathologist	oral pathology
oral radiologist	oral radiology
orthodontist	orthodontics
paediatric dentist	paediatric dentistry
periodontist	periodontics
prosthodontist	prosthodontics
public health dentist	public health dentistry

O. Reg. 853/93, Table.



